IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.Rev.Pet.No. 1636 of 2002()

CRA.404/2000 of ADDL. SESSIONS COURT (ADHOC), THRISSUR
ST.1526/1999 of JUDL. MAGISTRATE OF FIRST CLASS COURT, VADAKKANCHERY
.....

REVN. PETITIONER: APPELLANT/ACCUSED:

KURITYAKOSE, S/O. VARGHESE,
THANGALOOR VILLAGE, MANALITHARA DESOM,
EDAKKALATHUR VEEDU, THRISSUR.

BY ADV. SRI.P.VIJAYA BHANU
SRI.P.M.RAFIQ

RESPONDENTS: RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRRP. 1636/2002

ORDER ON CRL.MP. NO.8860/2002 IN CRRP. NO.1636/2002

DISMISSED

14.11.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

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K.R.UDAYABHANU, J

Crl.R.P.No.1636 of 2002

Dated this the 14th day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279, 337 and 304(A) IPC and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for a period of 20 days for the offence under Section 279 IPC and to undergo simple imprisonment for one month and to pay a fine of Rs.500/- and in default, to undergo simple imprisonment for 20 days for the offence under Section 337 IPC and also to undergo R.I. for a period of three months and to pay a fine of Rs.5,000/- and in default, to undergo R.I. for three months for the offence under Section 304(A) IPC.

2. The prosecution case is that on 23.3.1999 at about 8.15 a.m., the accused being the driver of K.S.R.T.C. bus bearing registration No.KL15.2944 drove the same through Thottekad-Chelakkara public road in a rash and negligent manner so as to endanger human life and hit the deceased aged 70 years who was walking through the road.

3. Counsel for the revision petitioner has only sought for modification of the sentence pointing out that about more than 8

years have elapsed since the commencement of the proceedings and that so far the accused was facing the ordeal of criminal proceedings. It is also submitted that the income of the revision petitioner is the sole means of livelihood of his family.

4. In the circumstances, the sentence imposed for the offence under Section 304(A) IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.25,000/- to the legal representatives of the deceased and in default, to undergo simple imprisonment for six months. He is also sentenced to pay a fine of Rs.500/- for the offence under Section 337 IPC and in default, to undergo simple imprisonment for two weeks and also to pay a fine of Rs.1,000/- for the offence under Section 279 IPC and in default, to undergo simple imprisonment for twenty days. The revision petitioner is granted four months' time to remit the amount of compensation and fine. He shall appear before the Judicial First Class Magistrate Court, Wadakkanchery on 14.3.2008 to receive sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl